

108TH CONGRESS  
1ST SESSION

# H. R. 533

To amend title 38, United States Code, to provide for health benefits and certain other benefits to be furnished by the Department of Veterans Affairs to any individual who has spina bifida and is the natural child of a veteran who, while in military service, was exposed to a herbicide agent.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. EVANS (for himself, Mr. RODRIGUEZ, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. SNYDER, Mr. MCINTYRE, Mr. SANDERS, Mr. SERRANO, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for health benefits and certain other benefits to be furnished by the Department of Veterans Affairs to any individual who has spina bifida and is the natural child of a veteran who, while in military service, was exposed to a herbicide agent.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agent Orange Vet-  
5 erans’ Disabled Children’s Benefits Act of 2003”.

1 **SEC. 2. EXTENSION OF SPINA BIFIDA BENEFITS FOR CHIL-**  
 2 **DREN OF VETERANS.**

3 (a) ELIGIBLE CHILDREN.—Subchapter I of chapter  
 4 18 of title 38, United States Code, is amended by inserting  
 5 before section 1802 the following new section:

6 **“§ 1801. Persons eligible for benefits**

7 “(a) ELIGIBLE CHILD.—An individual is an eligible  
 8 child for purposes of this subchapter if the individual is  
 9 suffering from spina bifida and is—

10 “(1) a child as defined in section 1821(1) of  
 11 this title; or

12 “(2) the natural child, regardless of age or mar-  
 13 ital status, of a parent who performed qualifying  
 14 herbicide-risk service, if the individual was conceived  
 15 after the parent performed such service.

16 “(b) QUALIFYING HERBICIDE-RISK SERVICE.—(1)  
 17 An individual performed qualifying herbicide-risk service  
 18 if (as determined by the Secretary) the individual, while  
 19 performing active military, naval, or air service (without  
 20 regard to the characterization of that individual’s serv-  
 21 ice)—

22 “(A) served in an area in which a Vietnam-era  
 23 herbicide agent was used during a period during  
 24 which such agent was used in that area; or

25 “(B) otherwise was exposed to a Vietnam-era  
 26 herbicide agent.

1 “(2) For purposes of paragraph (1), the term ‘Viet-  
2 nam-era herbicide agent’ has the meaning given the term  
3 ‘herbicide agent’ in section 1116(a)(3) of this title.”.

4 (b) HEALTH CARE.—Section 1803(a) of such title is  
5 amended by striking “a child of a Vietnam veteran who  
6 is suffering from spina bifida” and inserting “an eligible  
7 child”.

8 (c) VOCATIONAL TRAINING AND REHABILITATION.—  
9 Section 1804(a) of such title is amended by striking “a  
10 child of a Vietnam veteran who is suffering from spina  
11 bifida” and inserting “an eligible child”.

12 (d) MONETARY ALLOWANCE.—Section 1805(a) of  
13 such title is amended by striking “any child of a Vietnam  
14 veteran” and inserting “any eligible child”.

15 (e) CONFORMING AMENDMENTS.—

16 (1) The heading of chapter 18 of such title is  
17 amended to read as follows:

18 **“CHAPTER 18—DISABILITY BENEFITS FOR**  
19 **CHILDREN OF VIETNAM VETERANS**  
20 **AND OTHER VETERANS EXPOSED TO**  
21 **HERBICIDE AGENTS”.**

22 (2) The heading of subchapter I of such chap-  
23 ter is amended to read as follows:

1 “SUBCHAPTER I—CHILDREN BORN WITH SPINA  
2 BIFIDA”.

3 (3) The table of sections at the beginning of  
4 such chapter is amended—

5 (A) by striking the item relating to sub-  
6 chapter I and inserting the following:

“SUBCHAPTER I—CHILDREN BORN WITH SPINA BIFIDA”;

7 and

8 (B) by inserting before the item relating to  
9 section 1802 the following new item:

“1801. Persons eligible for benefits.”.

10 (4) The items relating to chapter 18 in the ta-  
11 bles of chapters at the beginning of title 38, United  
12 States Code, and at the beginning of part II of such  
13 title, are amended to read as follows:

“18. Disability Benefits for Children of Vietnam Veterans and Other  
Veterans Exposed to Herbicide Agents ..... 1801”.

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